

However, the owner, master, or operator shall consider the state of the equipment—along with such factors as weather, visibility, traffic, and the dictates of good seamanship—in deciding whether it is safe for the vessel to proceed.

(c) *Reporting.* The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyro-compass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(d) *Deviation and authorization.* The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

[CGD 94-020, 61 FR 35075, July 3, 1996]

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

Subpart A—General

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- 165.10 Regulated navigation areas.
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- 165.30 Security zones.
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- 165.40 Restricted waterfront areas.

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

FIRST COAST GUARD DISTRICT

- 165.T01-075 Safety Zone: Metro North Railroad Bridge over the Norwalk River, Norwalk, CT.
- 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.
- 165.101 Kittery, Maine—regulated navigation area.
- 165.102 Security Zone: Walkers Point, Kennebunkport, ME.
- 165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.

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- 165.104 Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine.
- 165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.
- 165.106 Security Zone: Seabrook Nuclear Power Plant, Seabrook, New Hampshire.
- 165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.
- 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.
- 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.
- 165.113 Security Zone: Dignitary arrival/departure Logan International Airport, Boston, MA.
- 165.114 Safety and Security Zones: Escorted Vessels—Boston Harbor, Massachusetts.
- 165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.
- 165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.
- 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.
- 165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.
- 165.122 Providence River, Providence, R.I. regulated navigation area.
- 165.130 Sandy Hook Bay, New Jersey—security zone.
- 165.140 New London Harbor, Connecticut—security zone.
- 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.
- 165.150 New Haven Harbor, Quinnipiac River, Mill River.
- 165.151 Safety Zones; Long Island Sound annual fireworks displays.
- 165.152 Coast Guard Station Fire Island, Long Island, New York—safety zone.
- 165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.
- 165.154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.
- 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York—safety zone.
- 165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.
- 165.161 Safety Zones: Coast Guard Activities New York Annual Fireworks Displays.
- 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.
- 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.
- 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.
- 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.
- 165.166 Safety zone: Macy's July 4th Fireworks, East River, NY.
- 165.167 Safety Zone: East River Western Channel, Manhattan, NY.
- 165.168 Safety Zones: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks.
- 165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.
- 165.170 Safety Zone: Triathlon, Ulster, Landing, Hudson River, NY.
- FIFTH COAST GUARD DISTRICT
- 165.T05-066 Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries.
- 165.T05-093 Security Zone; Three Mile Island Generating Station, Susquehanna River, York County, Pennsylvania.
- 165.T05-105 Safety zone; Atlantic Intracoastal Waterway, Bogue Sound, NC.
- 165.500 Safety/Security Zones; Chesapeake Bay, Maryland.
- 165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area.
- 165.502 Safety and Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland.
- 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.
- 165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.
- 165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River—Regulated Navigation Area.
- 165.514 Safety Zone: Atlantic Intracoastal Waterway and connecting waters, vicinity of Marine Corps Base Camp Lejeune, North Carolina.
- 165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.
- 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.
- 165.535 Safety Zone: Atlantic Ocean, Vicinity of Cape Henlopen State Park, Delaware.
- 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.
- 165.552 Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey.

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165.553 Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey.

SEVENTH COAST GUARD DISTRICT

- 165.T07-013 Security Zone: Internal waters and territorial seas adjacent to the Florida peninsula.
- 165.T07-101 Security Zone; HOVENSA Refinery, St. Croix, U.S. Virgin Islands.
- 165.T07-200 San Carlos Bay, Florida—Regulated Navigation Area.
- 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.
- 165.703 Tampa Bay, Florida—Safety Zone.
- 165.704 Safety Zone: Tampa Bay, Florida.
- 165.T0704 Safety Zone: Savannah River, Savannah, Georgia.
- 165.705 Port Canaveral Harbor, Cape Canaveral, Florida.
- 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.
- 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.
- 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC.
- 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL.
- 165.721 Safety Zone: St. Johns River, Jacksonville, FL.
- 165.722 Security Zone: St. Johns River, Jacksonville, Florida.
- 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.
- 165.728 Jacksonville, Florida—safety zones.
- 165.729 Jacksonville Harbor, Florida—security zone.
- 165.730 King's Bay, Georgia—Regulated navigation area.
- 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.
- 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.
- 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.
- 165.753 Regulated navigation area; Tampa Bay, Florida.
- 165.754 Safety Zone: San Juan Harbor, San Juan, PR.
- 165.755 Safety Zone: Guayanilla, Puerto Rico.
- 165.756 Regulated Navigation Area; Savannah River, Georgia.
- 165.757 Safety Zones; Ports of Ponce, Tallaboa, and Guayanilla, Puerto Rico and Limetree Bay, St. Croix, U.S.V.I.
- 165.758 Security Zone; San Juan, Puerto Rico.
- 165.759 Security Zones; Ports of Jacksonville, Fernandina, and Canaveral, Florida.
- 165.760 Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida.

165.761 Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida.

165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

165.764 Security Zones; Big Bend and Weedon Island Power Facilities, Tampa Bay, Florida.

165.765 Regulated Navigation Area; Port Everglades Harbor, Fort Lauderdale, Florida.

EIGHTH COAST GUARD DISTRICT

165.T08-090 Safety Zone; Lower Mississippi River, Mile Marker 88.1 to 90.4, Above Head of Passes, New Orleans, LA.

165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.

165.803 Mississippi River—regulated navigation area.

165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.

165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.

165.806 Sabine Neches Waterway, Texas—regulated navigation area.

165.807 Calcasieu River, Louisiana—regulated navigation area.

165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

165.809 Security Zones; Port of Port Lavaca—Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX.

165.810 Mississippi River, LA—regulated navigation area.

165.811 Atchafalaya River, Berwick Bay, LA—regulated navigation area.

165.812 Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

165.813 Security Zones; Ports of Houston and Galveston, TX.

165.814 Security Zones; Captain of the Port Houston-Galveston Zone.

165.815 Ohio River at Louisville, KY; regulated navigation area.

165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.

165.820 Security Zone; Ohio River, Mile 34.6 to 35.1, Shippingport, Pennsylvania.

165.821 Ohio River at Cincinnati, OH; regulated navigation area.

165.822 Security Zone; Ohio River, Mile 119.0 to 119.8, Natrium, WV.

165.825 Security Zones; Captain of the Port St. Louis, Missouri.

165.830 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District.

NINTH COAST GUARD DISTRICT

- 165.T09-012 Security and Safety Zone; M/V Spirit of Ontario, Lake Ontario and adjacent waters, New York.
- 165.901 Great Lakes—regulated navigation areas.
- 165.902 Niagara River at Niagara Falls, New York—safety zone.
- 165.903 Safety Zones: Cuyahoga River and Old River, Cleveland, OH.
- 165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor—Safety and Security Zone.
- 165.905 USX Superfund Site Safety Zones: St. Louis River.
- 165.906 Lakeside Yacht Club in Cleveland Harbor, Cleveland, OH—regulated navigation areas.
- 165.907 Safety Zones: Annual fireworks events in the Captain of the Port Detroit Zone.
- 165.909 Safety Zones: Annual fireworks events in the Captain of the Port Milwaukee Zone.
- 165.910 Security Zones: Captain of the Port Chicago, Zone, Lake Michigan.
- 165.911 Security Zones: Captain of the Port Buffalo Zone.
- 165.912 Security Zone: Lake Erie, Perry, OH.
- 165.915 Security zones: Captain of the Port Toledo Zone, Lake Erie.
- 165.916 Security Zones: Captain of the Port Milwaukee Zone, Lake Michigan.
- 165.917 Safety Zone: M/V ROY A. JODREY, St. Lawrence River, Wellesley Island, New York.
- 165.918 Safety zones; annual fireworks displays in the Captain of the Port Chicago Zone.
- 165.920 Regulated Navigation Area: USCG Station Port Huron, Port Huron, MI, Lake Huron.
- 165.921 Regulated Navigation Area: Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System located within the Ninth Coast Guard District.

ELEVENTH COAST GUARD DISTRICT

- 165.T11-004 Security Zones; Monterey Bay and Humboldt Bay, California.
- 165.T11-021 Safety Zone: Middle River, San Joaquin County, California.
- 165.T11-079 Safety Zone: Mission Creek Waterway, China Basin, San Francisco Bay, California.
- 165.1101 Security Zone: San Diego Bay, CA.
- 165.1102 Security Zone: San Diego Bay, California.
- 165.1103 Security Zone: San Diego Bay, CA.
- 165.1104 Security Zone: San Diego Bay, CA.
- 165.1105 Security Zone: San Diego Bay, California.
- 165.1106 San Diego Bay, California—safety zone.

- 165.1107 San Diego Bay, California.
- 165.1108 Security Zones; Cruise Ships, Port of San Diego, California.
- 165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.
- 165.1121 Security Zone: Fleet Supply Center Industrial Pier, San Diego, CA.
- 165.1131 Security Zone: Wilson Cove, San Clemente Island, California.
- 165.1151 Security Zones; liquefied hazardous gas tank vessels, San Pedro Bay, California.
- 165.1152 San Pedro Bay, California—Regulated navigation area.
- 165.1154 Security Zones; Cruise Ships, San Pedro Bay, California.
- 165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, California.
- 165.1171 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.
- 165.1181 San Francisco Bay Region, California—regulated navigation area.
- 165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.
- 165.1183 Security Zones; Cruise Ships, Tank Vessels and High Interest Vessels, San Francisco Bay and Delta ports, California.
- 165.1185 Regulated Navigation Area; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters in California.
- 165.1187 Security Zones; Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, San Francisco Bay, California.
- 165.1190 Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA.
- 165.1191 Safety zones: Northern California annual fireworks events.
- 165.1192 Security Zones; Waters surrounding San Francisco International Airport and Oakland International Airport, San Francisco Bay, California.

THIRTEENTH COAST GUARD DISTRICT

- 165.T13-016 Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project.
- 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.
- 165.1302 Bangor Naval Submarine Base, Bangor, WA.
- 165.1303 Puget Sound and adjacent waters, WA—regulated navigation area.
- 165.1304 Bellingham Bay, Bellingham, WA.
- 165.1305 Commencement Bay, Tacoma, WA.
- 165.1306 Lake Union, Seattle, WA.
- 165.1307 Elliott Bay, Seattle, WA.
- 165.1308 Columbia River, Vancouver WA.
- 165.1309 Eagle Harbor, Bainbridge Island, WA.
- 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington;

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Makah Whale Hunting—Regulated Navigation Area.

- 165.1311 Olympic View Resource Area, Tacoma, WA.
- 165.1312 Security Zone; Portland Rose Festival on Willamette River.
- 165.1313 Security zone regulations, tank ship protection, Puget Sound and adjacent waters, Washington
- 165.1314 Safety Zone; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington.
- 165.1315 Safety Zones: Annual fireworks events in the Captain of the Port Portland Zone.
- 165.1316 Safety Zone; Columbia River, Astoria, Oregon.
- 165.1317 Security and Safety Zone; Large Passenger Vessel Protection, Puget Sound and adjacent waters, Washington.
- 165.1318 Security and Safety Zone Regulations, Large Passenger Vessel Protection, Portland, OR Captain of the Port Zone
- 165.1319 Safety Zone Regulations, Seafair Blue Angels Air Show Performance, Seattle, WA.

FOURTEENTH COAST GUARD DISTRICT

- 165.1401 Apra Harbor, Guam—safety zones.
- 165.1402 Apra Outer Harbor, Guam—regulated navigation area.
- 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.
- 165.1404 Apra Harbor, Guam—security zone.
- 165.1405 Regulated Navigation Areas and Security Zones; Designated Escorted Vessels-Philippine Sea and Apra Harbor, Guam (including Cabras Island Channel), and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands (CNMI).
- 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.
- 165.1407 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.

SEVENTEENTH COAST GUARD DISTRICT

- 165.T17-030 Port Valdez and Valdez Narrows, Valdez, Alaska—security zones.
- 165.1701 Port Valdez, Valdez, Alaska—safety zone.
- 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.
- 165.1703 Ammunition Island, Port Valdez, Alaska.
- 165.1704 Prince William Sound, Alaska—regulated navigation area.
- 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.
- 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.
- 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

Subpart G—Protection of Naval Vessels

- 165.2010 Purpose.
- 165.2015 Definitions.
- 165.2020 Enforcement authority.
- 165.2025 Atlantic Area.
- 165.2030 Pacific Area.

AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 79–034, 47 FR 29660, July 8, 1982, unless otherwise noted.

Subpart A—General

§ 165.1 Purpose of part.

The purpose of this part is to:

- (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- (c) Prescribe specific requirements for established areas; and
- (d) List specific areas and their boundaries.

§ 165.5 Establishment procedures.

(a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in Part 3 of this chapter, and include the following:

- (1) The name of the person submitting the request;
- (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;
- (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
- (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;